

# BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

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INTELLECTUAL PROPERTY LAW  
 12400 WILSHIRE BOULEVARD, 7TH FLOOR  
 LOS ANGELES, CA 90025

FACSIMILE: (714) 557-3347

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## FACSIMILE COVER SHEET

Deliver to: Kevin T. Bates, USPTO

Art Group: 2155

Facsimile No.: 703-872-9306

Date: October 13, 2005

From: William W. Schaal, Reg. No. 39,018

Our Docket No.: 3239P099

Number of pages 12 including this sheet.

Application No.: 10/027,686

Filing Date: 12/21/2001

Docket Due Date(s): 10/23/2005

Enclosed are the following documents:

- Amendment: After Final ( 8 pgs)
- Appeal Brief ( \_\_\_\_ pgs)
- Application: \_\_\_\_\_  
\_\_\_\_\_.pgs w/cover & abstract)
- Assignment & Cover Sheet ( \_\_\_\_ pgs)
- Certificate of Facsimile \_\_\_\_\_
- Continued Prosecution Application (CPA)
- Declaration & POA ( \_\_\_\_ pgs)
- Drawings: \_\_\_\_ sheets, \_\_\_\_ figures
- Extension of Time: \_\_\_\_\_
- Fee Transmittal (in duplicate)
- IDS & PTO/SB/08 ( \_\_\_\_ pgs)
- Other \_\_\_\_\_

- Issue Fee Transmittal
- Notice of Appeal
- Petition for: \_\_\_\_\_
- Request for Continued Examination (RCE)
- Reply Brief ( \_\_\_\_ pgs)
- Request & Certification Under 35 USC 122(b)(2)(B)(i)
- Request to Rescind Previous Nonpublication Request
- Response to Notice of Missing Parts & Formalities Letter
- Response to Written Opinion ( \_\_\_\_ pgs)
- Terminal Disclaimer
- Transmittal of Publication Fee Due
- Transmittal Letter

### CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.



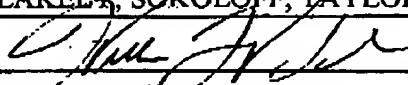
Susan McFarlane 10/13/2005  
 Date

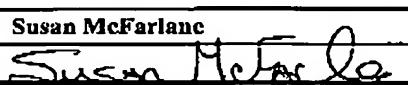
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application No.	10/027,686
		Filing Date	December 21, 2001
		First Named Inventor	Peter A. Tencreille
		Art Unit	2155
		Examiner Name	Kevin T. Bates
Total Number of Pages in This Submission	11	Attorney Docket Number	3239P099

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input type="checkbox"/> Other Enclosure(s) (please identify below):
<div style="border: 1px solid black; height: 40px; width: 100%;"></div>		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	William W. Schaal, Reg. No. 39,018 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	October 13, 2005

CERTIFICATE OF MAILING/TRANSMISSION			
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Typed or printed name	Susan McFarlane		
Signature		Date	October 13, 2005

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/t) 06/04/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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OCT 13 2005

<b>FEE TRANSMITTAL for FY 2005</b>		Complete if Known	
Patent fees are subject to annual revision.		Application Number	10/027,686
		Filing Date	December 21, 2001
		First Named Inventor	Peter A. Tenercello
		Examiner Name	Kevin T. Bates
		Art Unit	2155
		Attorney Docket No.	3239P099
TOTAL AMOUNT OF PAYMENT	(\$)	0.00	

<b>METHOD OF PAYMENT (check all that apply)</b>	
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor &amp; Zafman LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) <input type="checkbox"/> Credit any overpayments under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.	

<b>FEE CALCULATION</b>																																																																																																																																																																																					
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<b>SUBMITTED BY</b>		Complete (if applicable)		
Name (Print/Type)	William W. Schaal	Registration No. Attorney/Agent	39,018	Telephone (714) 557-3800
Signature				
		Date	10/13/05	

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 12/15/2004.  
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<b>FEE TRANSMITTAL for FY 2005</b>		Complete if Known <b>OCT 13 2005</b>	
Patent fees are subject to annual revision.			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Application Number <u>10/027,686</u>	
TOTAL AMOUNT OF PAYMENT <u>(\\$) 0.00</u>		Filing Date <u>December 21, 2001</u>	
		First Named Inventor <u>Peter A. Tenereillo</u>	
		Examiner Name <u>Kevin T. Bates</u>	
		Art Unit <u>2155</u>	
		Attorney Docket No. <u>3239P099</u>	

**METHOD OF PAYMENT (check all that apply)**

Check  Credit card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayment of fee(s)  Credit any overpayments  
 under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

**FEE CALCULATION****1. EXTRA CLAIM FEES**

Total Claims	20	- 20* =	0	x	Fee from below	=	Fee Paid
Independent Claims	3	- 3* =	0	x	200.00	=	\$0.00
Multiple Dependent							

**Large Entity****Small Entity**

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	380	2203	180	Multiple Dependent claim, if not paid
1204	300	2204	150	**Reissue Independent claims over original patent
1205	900	2205	150	**Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (1)</b>		<b>(\\$) 0.00</b>		

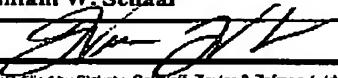
\*or number previously paid, if greater. For Reissues, see below

**2. ADDITIONAL FEES****Large Entity****Small Entity**

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1061	130	2051	65	Surcharge - late filing fee or oath
1062	50	2052	25	Surcharge - late provisional filing fee or cover sheet
2053	130	2053	130	Non-English specification
1251	120	2251	60	Extension for reply within first month
1252	450	2252	225	Extension for reply within second month
1253	1,020	2253	510	Extension for reply within third month
1254	1,590	2254	795	Extension for reply within fourth month
1256	2,180	2256	1,000	Extension for reply within fifth month
1401	500	2401	250	Notice of Appeal
1402	600	2402	250	Filing a brief in support of an appeal
1403	1,000	2403	500	Request for oral hearing
1451	1,610	2451	1,510	Petition to institute a public use proceeding
1480	130	2480	130	Petitions to the Commissioner
1007	50	1807	50	Processing fee under 37 CFR 1.17(q)
1606	180	1808	180	Submission of Information Disclosure Stmt
1609	700	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	700	2810	996	For each additional invention to be examined (37 CFR § 1.129(b))
<b>Other fee (specify)</b>		<b>SUBTOTAL (2)</b>		<b>Fee Paid</b>

**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)	William W. Schaal	Registration No. (Attorney/Agent)	39,018	Telephone	(714) 557-3800
Signature				Date	10/13/05

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (ver) 12/16/2004  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Appl. No. 10/027,686  
Amdt. Dated 10/13/2005  
Reply to Final Office Action of August 23, 2005

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OCT 13 2005

**RESPONSE UNDER 37 CFR § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 2155**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application. No.	:	10/027,686	Confirmation No. 2082
Applicant	:	Peter A. Tenercillo	
Filed	:	12/21/2001	
TC/A.U.	:	2155	
Examiner	:	Kevin T. Bates	
Docket No.	:	3239P099	
Customer No.	:	8791	

MAIL STOP AF  
Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

**AMENDMENT AND RESPONSE UNDER 37 CFR §1.116**

Sir:

In response to the Final Office Action of August 23, 2005, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 6 of this paper.